

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AARON CROWDER,

Plaintiff,

v.

CITY OF ALTON, MICHAEL MORELLI,
and JEFFREY HENDERSON,

Defendants.

Case No. 3:17-cv-00896-JPG-SCW

CONSOLIDATED WITH

PEARL CARTER,

Plaintiff,

v.

CITY OF ALTON, MICHAEL MORELLI,
and JEFFREY HENDERSON,

Defendants.

Case No. 3:17-cv-00897-JPG-SCW

MEMORANDUM & ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on the City of Alton's and Michael Morelli's motions to consolidate the case *Crowder v. City of Alton, et al.*, Case No. 17-cv-896-JPG-SCW with *Carter v. City of Alton, et al.*, Case No. 17-cv-897-JPG-SCW. (Case No. 17-cv-896-JPG-SCW, Doc. 17; Case No. 17-cv-897-JPG-SCW, Doc. 16.) Federal Rule of Civil Procedure 42(a) gives the Court the discretion to consolidate cases that involve a common question of law or fact. It is an abuse of discretion, however, to consolidate cases that—even though they involve claims of the same nature—involve “different allegations and time frames.” *See King v. General Elec. Co.*, 960 F.2d 617, 626 (7th Cir. 1992). Moreover, consolidation under Rule 42(a) does not

merge two actions into one case. *Cella v. Togum Constructeur Ensembleier en Industrie Alimentaire*, 173 F.3d 909, 912 (3d Cir. 1999) (citing *Johnson v. Manhattan R. Co.*, 289 U.S. 479, 496–97 (1933)). On the contrary, each consolidated case retains its separate identity and must have its own independent jurisdictional basis. *Cella*, 173 F.3d at 913.

Since both of these cases involve the same defendants, the same issues of fact and law, and virtually identical complaints, the Court **GRANTS** the defendants' motions to consolidate. (Case No. 17-cv-896-JPG-SCW, Doc. 17; Case No. 17-cv-897-JPG-SCW, Doc. 16.) Accordingly, for the purposes of discovery and trial, the Court hereby **CONSOLIDATES** *Crowder v. City of Alton, et al.*, Case No. 17-cv-896-JPG-SCW with *Carter v. City of Alton, et al.*, Case No. 17-cv-897-JPG-SCW. All future filings shall contain the caption in this order and shall be filed only in *Crowder v. City of Alton, et al.*, Case No. 17-cv-896-JPG-SCW. The Court will strike any filings in Case No. 17-cv-897-JPG-SCW subsequent to this order.

The Clerk of Court is **DIRECTED** to **CONSOLIDATE** these cases and file a copy of this order in each case.

IT IS SO ORDERED.
DATED: October 13, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE